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C O N F I D E N T I A L SECTION 01 OF 03 NEW DELHI 004690

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TAGS: [PREL](#) [ETTC](#) [KNNP](#) [KSTC](#) [IN](#) [NSSP](#)

SUBJECT: FOREIGN SECRETARY: GET NSSP OUT OF THE WAY, THE INDIAN WAY

Classified By: Ambassador David C. Mulford for Reasons 1.4 (B, D)

11. (C) Summary: In a June 16 meeting with A/S Rademaker and the Ambassador, Foreign Secretary Shyam Saran said he wanted to "get NSSP out of the way" before PM Manmohan Singh's July 18 visit in order "to move on to the bigger things we can do together," but stressed that "our way of doing things will be different." Observing that it takes a long time to obtain support from institutional and political players in India, he emphasized that "once we have made a commitment, we'll live up to it." Saran underlined India's need to maintain a domestic political consensus, warning that "it will be virtually impossible to adopt the same procedures as the US." A/S Rademaker complimented India on progress to date, urged the GOI to answer questions raised by the recently-passed WMD Act, and to focus on implementation mechanisms. He pointed out that harmonization and adherence to international control regimes are not the same, and that although every country can approach these issues differently, there is a common denominator, and a commonality about how lists are administered which India must keep in mind. Saran responded that India's new WMD law incorporates many existing laws, all of which already have implementing regulations. India is now drafting implementing regulations for the new elements in the law such as intangibles. As for how India would harmonize its control lists with the NSG and MTCR, Saran said the US needed to accept that there needs to be acceptance of diversity in the manner in which states adhere. Commenting that "the hardest part is behind us," he said that the challenges that remain are doable. End Summary.

12. (C) The Foreign Secretary began by noting that he was very encouraged by the new US-India paradigm the Secretary had set forth in recent months, stressing that he wanted to "get NSSP out of the way to move on to the bigger things we can do together." On the recently-passed Weapons of Mass Destruction Act, he said President APJ Abdul Kalam had just given his assent to the Act, and that "we've done the major part of what we're trying to do." India was working hard to demonstrate that it is in conformity with the NSG and MCTR ("which we are"), and should have that done before the PM's July 18 visit to Washington. Saran was pleased that the USG is "looking at India as a partner, not as a problem," and that "sooner or later we will be partners," asking for ideas about how to take the partnership forward. "Although India is not a member of the NPT, our behavior is such that we are," he stated.

13. (C) As far as the international non-proliferation regimes are concerned, the Foreign Secretary said the GOI had been pursuing a careful policy, declining to make statements about the inequitable nature of the NPT, for example. India recognized, however, that the NPT contained serious inadequacies, particularly non-state actors and loopholes, which presented new challenges. There was a major need to go beyond existing non-proliferation instruments. India has been participating in the Container Security Initiative (CSI) and Maritime Security Initiative (MSI), and also wanted to be part and parcel of the PSI, "if we can be taken on board as a full partner," he observed.

Good WMD Law, Questions on Implementation

14. (C) The USG was very pleased with the passage of the WMD law, A/S Rademaker said, which had gone smoother and quicker than expected, although it had also raised a number of questions, particularly the matter of implementing regulations. Ultimately, the test is whether the GOI control list is harmonized with other international control lists and how it is administered. On the Proliferation Security Initiative (PSI), the problem was not India's membership in the Core Group, but rather the Group itself, he said. If it were to be expanded, as India wants, it would suggest continued relevance. Noting that it had last met more than a year ago, Rademaker added that its success lies in its ad hoc nature. No decision has been made to abolish the Core Group, nor was he certain one would be made before July 18, he remarked.

Harmonization Problems

15. (C) Additional Secretary (International Security) Meera

Shankar responded that India is looking into how to achieve harmonization with the international export control lists, but emphasized that the GOI "needs political space" to come into conformity with the NSG and MCTR regimes. Saran added that "it seems odd that the US needs to see more happening." As the WMD law is an umbrella law, incorporating many pieces of existing legislation, the implementing regulations for the existing laws already exist. The GOI has only to update those regulations to incorporate new elements in the WMD law such as intangibles and non-state actors.

16. (C) A/S Rademaker reminded Saran that the GOI does not now control all items of non-proliferation concern, and urged new regulations to be promulgated quickly to do so. Likening such a step with EU aspirant countries internalizing the *Acquis Communautaire*, he encouraged India to confirm that it is prepared to accept the rules of NSG and MCTR members.

Our Way, and the Need for Political Consensus

17. (C) Saran replied that there needed to be a discussion and acceptance of diversity in the manner in which states adhere to the NSG and MCTR regimes. Observing "the way you do controls should not be the same way we do," the Foreign Secretary warned that "I want to be clear that if that is the

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expectation, we will fall short." India is ready to give broad commitments, but as long as it is not a member, it is difficult to conform to all the rules and regulations membership entails. "India is willing to be in conformity with what the regimes wish to achieve, but our way of doing things will be different." Observing that it takes a long time to obtain a commitment from the various institutional and political players, he stressed that "once we have made a commitment, we'll live up to it."

18. (C) Stressing that India's existing body of laws and regulations are already being applied, Shankar asked for flexibility in implementation for domestic political reasons. The GOI knew the best way to steer a course through its own system, she said, and the USG should "leave it to us to decide what is the best way to adhere." "We are going through that exercise now, and hope to complete it before the PM's visit." The Foreign Secretary stressed India's need to maintain a domestic political consensus, adding that "if we have to submit to you what we will do, it will be virtually impossible to adopt the same procedures as the US, and it will be out of the window immediately."

19. (C) Shankar recalled that the NSG control lists were adopted after the GOI nuclear tests, which fed the "almost universal perception in India that they are targeting us." The nuclear and high-tech communities will all ask "what we are getting from it?" Describing the major diplomatic effort expended to obtain passage of the law, Saran urged the USG "not to make it too difficult" to convince the skeptics (in the Department of Atomic Energy, Department of Space, MoD, and DRDO). Noting that the MEA had spent much political capital to get these organizations on board, he said "we do not want to have the sense that the goalposts are being moved."

110. (C) A/S Rademaker pointed out that harmonization and adherence are not the same principles, observing that while every country can approach this issue differently, there is a common denominator agreed to by all members, as well as a commonality about how the lists are administered. India should keep this in mind as it works through these issues, he noted. Commenting that "the hardest part is behind us," he said that what remains presents challenges, but is doable."

111. (C) Concluding the conversation, Shankar flagged two issues. New Delhi:

-- wanted assurances that it was "not a country of proliferation concern;" and

-- regarding PSI, had reservations about others' authority to board Indian ships. Noting that France had reportedly issued its own reservation on this score, she said India may have to seek one as well.

112. (U) USG Participants:

Assistant Secretary for Arms Control Stephen Rademaker
Ambassador David C. Mulford
DCM Robert O. Blake, Jr.
Director, Office of Strategic Transition Robert Gromoll
A/Political Counselor Matt Boyse, Notetaker

Indian Participants:

Foreign Secretary Shyam Saran
Additional Secretary Meera Shankar

Under Secretary (DISA) Nutan Kapoor

113. (U) A/S Rademaker departed post before clearing this message, and it is being sent before U/S Burns' June 21 departure for India where he will meet with FS Saran.
MULFORD